



Entered on Docket  
December 29, 2009

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF  
USACM LIQUIDATING TRUST TO  
DOUBLE COUNTED CLAIMS FILED  
BY THE MCQUERRY FAMILY TRUST**

Hearing Date: December 18, 2009  
Hearing Time: 1:30 p.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection of USACM Liquidating Trust to  
2 Double Counted Claims Filed by the McQuerry Family Trust” [DE 7776] (the  
3 “Objection”); the Court having heard the Objection on December 18, 2009; appropriate  
4 notice of the Objection having been given; no response to the Objection having been filed;  
5 and good cause appearing:

6 **IT IS ORDERED** that:

- 7 1. The Objection [DE 7776] is sustained; and  
8 2. The McQuerry claims listed on **Exhibit A** are disallowed in the amounts  
9 shown on **Exhibit A**.  
10 3. The USACM Trust reserves the right to object to the remainder of these  
11 claims at a later date.

12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**

14 By /s/ John Hinderaker (018024)  
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16 John Hinderaker (*pro hac vice*)  
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21 *Attorneys for USACM Liquidating Trust*  
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ This is a Chapter 11 Case. I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party (no other parties appeared):	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
 Attorneys for USACM Liquidating Trust

USACM

**Exhibit A****Proofs of Claim Asserting Duplicate Amounts - McQuerry Claims**

<b>Name</b>	<b>Address</b>	<b>Claim #</b>	<b>Total Claim Amount</b>	<b>Claim Amount Subject To Objection as a Duplicative Amount</b>
MCQUERRY FAMILY TRUST	318 SINGING BROOK CIR SANTA ROSA, CA 95409	10725-02241	102,166.66	51,083.33
MCQUERRY FAMILY TRUST	318 SINGING BROOK CIR SANTA ROSA, CA 95409	10725-02243	96,078.28	48,039.14
MCQUERRY FAMILY TRUST	318 SINGING BROOK CIR SANTA ROSA, CA 95409	10725-02245	103,031.92	51,515.96
MCQUERRY FAMILY TRUST	318 SINGING BROOK CIR SANTA ROSA, CA 95409	10725-02246	61,705.60	30,852.80
MCQUERRY FAMILY TRUST	318 SINGING BROOK CIR SANTA ROSA, CA 95409	10725-02247	97,985.38	48,992.69
MCQUERRY FAMILY TRUST	318 SINGING BROOK CIR SANTA ROSA, CA 95409	10725-02248	101,883.26	50,941.63
MCQUERRY FAMILY TRUST	318 SINGING BROOK CIR SANTA ROSA, CA 95409	10725-02250	103,033.92	51,516.96
MCQUERRY FAMILY TRUST	318 SINGING BROOK CIR SANTA ROSA, CA 95409	10725-02251	196,316.26	98,158.13
MCQUERRY FAMILY TRUST	318 SINGING BROOK CIR SANTA ROSA, CA 95409	10725-02252	100,962.34	50,481.17